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UNITED STATES OF AMERICA.









*July 27, 1857*  
*Robert Young*  
*MR. HAYNE*

SPEECH

OF  
*Robert Young*  
**MR. HAYNE,**

DELIVERED IN THE SENATE OF THE UNITED STATES,

ON THE

**Mission to Panama,**

March, 1826.

The following resolution submitted by the Committee of Foreign Relations, being under consideration—

“*Resolved*, That it is not expedient, at this time, for the United States to send any Ministers to the Congress of American nations, assembled at Panama :”—

Mr. HAYNE, of South Carolina, addressed the Senate, in substance, as follows :

If I could concur, Mr. President, with those gentlemen who believe that the question of sending Ministers to represent the United States at the Congress of Panama, was one of very little consequence, I should certainly not trouble the Senate with any remarks upon the subject—for though I should consider this as a conclusive argument against the mission, yet if, in fact, we were now called upon to take a part in an empty pageant, or an idle ceremony—if (to borrow the language used *elsewhere*) our Ministers are merely to present “an imposing spectacle to the eyes of the world”—I should content myself with giving a silent though decided vote against the measure. But the question presents itself to my mind, in an aspect extremely different. It does appear to me, that whatever may be the result of this mission, it cannot possibly be indifferent ; it is a measure of the most decisive character, and one that cannot fail to produce the most important results. It touches the neutral relations of the United States in a contest of a peculiar nature, towards which the attention of the whole civilized world is anxiously turned, and in which their feelings and interests are most deeply involved. It



concerns the part we shall act towards the belligerents in the great contest which has so long desolated the South American hemisphere a contest of which neither the nations of Europe nor ourselves have been unconcerned spectators, though they have so far escaped being drawn into the vortex. Happily for us, and most happily for the South Americans, this strict neutrality on the part of other nations, has left to the youthful vigor of the new Republics, a slow but certain triumph over their common enemy, and nothing is now wanting to the establishment of their independence on an immutable basis, but that there should be no interference whatever in their concerns. Left to themselves, their liberties are secure. In seeking foreign assistance, they are committing a fatal error, and as previously mistake their own best interests as we will mistake our duties, should we comply with their wishes.

I regard this question, therefore, as one of the last importance, not only to the new States, but to ourselves, because I consider it as based on an entire change of the neutral position which we have hitherto so happily occupied in the contest between Spain and her colonies—a change that may not only involve us in the struggle, but may be fatal in its consequences to those whom we are most anxious to serve.

In order to decide on the expediency of the proposed mission to the Congress of Panama, and to ascertain how it may affect our neutrality, it is necessary to determine, in the first place, *the character of that Congress*. And here I shall take it for granted, that the character of the Congress will, in no degree, be affected by the instructions which may be given to our Ministers, but can only be ascertained from its declared and acknowledged objects. It is from the *documents*, published to the world, and from these alone, that the public can know the purposes for which this Congress is to be assembled. These must stamp its character as peaceful or belligerent in the estimation of mankind. Now, on this branch of the subject, we are most fortunately furnished with information, authentic, full, and perfectly satisfactory; information, not possessed by us alone, but which has been published to all the world.—The following are the sources from whence we derive our knowledge as to the character and objects of the Congress of Panama—sources equally open to every nation in Europe:—

1st. A work on the necessity of a general federation of the South American States, published at Lima in 1825, by *Bernardo Monteagudo*, Minister of State and Foreign Affairs of Peru, &c.



2d. Bolivar's circular and proclamation.

3d. The conventions between five of the Spanish American Republics, *under which* the Congress is about to assemble.

4th. The communication in the Official Gazette of Colombia, in February last, of some of the specific points which are to form the subjects of the deliberations of the Congress.

From these combined sources we will be enabled to derive the most satisfactory and conclusive information, as to the true character of the Congress; and, when that shall be ascertained, the task will be easy to show what effect must be produced on our relations towards Spain by our taking any part in the deliberations of that assembly.

From the work of *Monteagudo*, (an abstract of which will be found in the last number of the North American Review) it appears that the project of a confederacy of the South American States was conceived as early as 1821; that, in 1823, Bolivar, as President of Colombia, invited Mexico, Peru, Chili and Buenos Ayres "to send delegates to Panama, with the express design of establishing a CONFEDERACY." In December, 1824, conceiving that the period had now arrived for carrying this great object into effect, he issued a circular, proposing to the new States that delegates should "immediately be sent to Panama by those Governments, which had agreed TO JOIN IN THE CONFEDERACY;" and he there characterizes the meeting as one "which was to serve as a COUNSEL to us in our distresses"—(which can only mean, to advise them how to carry on the war, so as to bring it to a successful issue,) "and to be a RALLYING POINT in our common dangers;" (in other words, to furnish the means of making a successful stand against the common enemy, old Spain, by equipping fleets and raising armies, and by furnishing respectively their contingent of men, arms, and money.) The author of this work was a man of uncommon talent and great influence, who not only filled the station of Minister of State in Peru, but, in behalf of that State, negotiated and signed the convention with Colombia, in relation to this very business. His authority, therefore, is entitled to great weight, on a question with which he was so intimately acquainted. He sums up, in two lines, the duties of the Congress, and informs us it is designed to give "INDEPENDENCE, PEACE, AND SECURITY, TO THE NEW STATES." *Independence* to colonies engaged in a contest with the mother country for its establishment—*Peace*, to nations

actually involved in war—*Security*, to those who are exposed to all the casualties of invasion from abroad and convulsions within. And how are these objects so be attained? The answer is obvious, and is given by all the documents before us: By ALLIANCES, offensive and defensive; by which each State stipulates to make a common cause, and to furnish their respective quotas of men, of money, and of arms.

On this point, nothing shall be left to conjecture or inference. I will produce the highest possible evidence—evidence which must satisfy the most sceptical as to the true character of the Panama Congress. The States represented there have entered into formal TREATIES—and it is under these solemn Conventions, that this Congress is assembled. Under the call made upon the President by the Senate on the 3d of January last, he has submitted to us conventions between

The Republic of Colombia and that of Chili,

The Republic of Colombia and Peru,

The Republic of Colombia and the Federation of the Centre of America, and

The Republic of Colombia and the United Mexican States.

On looking into these conventions, (some of which were entered into as early as 1822, and one as late as September 1825) we discover that in the execution of the plan of the Liberator, of uniting all the Spanish American States into "ONE GREAT CONFEDERACY," he has succeeded in forming among them treaties of alliance, offensive and defensive, in peace, and in war, and the Congress of Panama *grows out of*, and is the first fruit of that alliance. It is in fact a Congress of Confederated belligerent States, convened for the great purpose of bringing the war, by their combined efforts, to a speedy and successful termination, and at the same time, of establishing a plan of general co-operation, in all cases whatsoever. These assertions I shall establish beyond the possibility of a doubt, by a brief reference to those conventions.

In the convention between Colombia and Chili, we find the following provisions:

By the first article, it is declared that "the Republic of Colombia and the State of Chili, are united, bound, and confederated, in peace and war, to maintain their influence and forces, by sea and land—as far as circumstances permit—their independence of the Spanish nation, and of any other foreign domination whatsoever."

By the second article, these two States "contract a league of close alliance for the common defence—for the security of their independence and liberty, for their reciprocal and general good, and for their internal tranquillity, obliging themselves to succor each other, and to repel in common, every attack or invasion, which may in any manner threaten their political existence."

By the 3d article it is declared, "the Republic of Colombia binds itself to assist, with the disposable sea and land forces; of which the number, or its equivalent, shall be fixed at a meeting of plenipotentiaries."

Then follow the 13th and 14th articles, under which the Congress at Panama is about to assemble. 13th. "Both parties oblige themselves to interpose their good offices with the Governments of the other States of America, formerly Spanish, to enter into this compact of union, league, and confederation;" and 14th, "As soon as this great and important object has been attained, a GENERAL ASSEMBLY OF AMERICAN STATES shall be convened [at Panama as subsequently stated] composed of their plenipotentiaries, with the charge of cementing, in the most solid and stable manner, the intimate relations which ought to exist between all and every one of them, and which may serve as a council in the great conflict, as a rallying point in the common dangers, as a faithful interpreter of the public treaties when difficulties occur, and as an umpire and conciliator in their disputes and differences."

Now, sir, in all the other conventions, similar, and in some of them even stronger language is held. They all provide for alliances, offensive and defensive, for the purpose of bringing the present war against Spain to a conclusion, by furnishing their quotas of men, money, and ships; and they all stipulate that as soon as the alliance shall become general this Panama Congress is to be convened, as the first step to be taken under it. It is the "GREAT COUNCIL" of these belligerent States, and will of course be perpetual, or at all events, will have a duration equal to that of the Confederacy itself. (Mr. H. here referred minutely to all the conventions, and argued from them in support of his position.) The last document to which I shall refer, is the Official Gazette of Colombia, of February last, in which the objects of the Congress are thus stated:

"1. To form a solemn compact, or league, by which the States, whose Representatives are present, will be bound

to unite in prosecuting the war against their common enemy, old Spain, or against any other power, which shall assist Spain in her hostile designs, or any otherwise assume the attitude of an enemy.

2. To draw up and publish a manifesto, setting forth to the world the justice of their cause, and the relations they desire to hold with other Christian powers.

3. To form a convention of navigation and commerce, applicable both to the confederated States, and to their allies.

4. To consider the expediency of combining the forces of the Republics, to free the Islands of Puerto Rico and Cuba from the yoke of Spain, and, in such case, what contingent each ought to contribute for this end.

5. To take measures for joining in a prosecution of the war at sea, and on the coasts of Spain.

6. To determine whether these measures shall also be extended to the Canary and Phillipine islands

7. To take into consideration the means of making effectual the declaration of the President of the United States, respecting any ulterior design of a foreign power to colonize any portion of this continent, and also the means of resisting all interference from abroad with the domestic concerns of the American Governments.

8. To settle, by common consent, the principles of those rights of nations, which are in their nature controvertible.

9. To determine on what footing shall be placed the political and commercial relations of those portions of our hemisphere, which have obtained, or shall obtain, their independence, but whose independence has not been recognized by any American or European power, as was for many years the case with Hayti."

From these documents no man can deny that the Congress of Panama is to be composed of deputies from *belligerent States*, and that its objects are essentially *belligerent*. These objects are not concealed, but are publicly avowed, and known to the world. It is to be an assembly of confederates, differing very little from the old Congress under our Articles of Confederation, to which, indeed, it bears a striking resemblance.

The question now arises whether a neutral State can join in such a council without violating its neutrality? Can the United States lawfully send deputies to a Congress of the confederated Spanish American States?—a Congress which not only has objects confessedly connected with the prosecution of the War, but when it is notorious, that these belligerent objects create the very

occasion of its assembling? Can we do so without departing from our neutral relations towards Spain? Is it possible, Mr. President, that this can be seriously questioned? It will not bear an argument. There can be no difference under the Law of Nations—for there is none in reason or justice—between aiding a belligerent in *council* or in *action*—between consulting with him in respect to belligerent measures, or furnishing the men and money to accomplish them. To afford to such a Congress as I have shown this at Panama to be, even the lights of our wisdom and experience—to enter into consultations with them as to the means of bringing the contest to a speedy and successful issue—to advise with them how to proceed and when to proceed—(and it appears from the documents that we are quite ready with our advice in these respects,) unquestionably must be a total departure from our neutrality. It is no answer to this argument to say, that our Ministers, when they take their seats, and become members of the Congress, will not interfere in the discussion of belligerent questions, and will confine themselves exclusively to those which are in their nature, peaceful. If the character of the Congress is belligerent—no neutral can lawfully be there. If, for any purpose whatever, questions connected with the further prosecution of the war are to be there discussed and decided, our Ministers cannot take their seats in the Assembly without involving us, by that very act, in the contest. A strict and honorable neutrality, must keep us out of any meeting not having peaceful objects *exclusively*. The Law of Nations in this respect, cannot differ from those rules of municipal law, founded in the common sense of mankind—which involve, in a common guilt, all who associate with those engaged in any unlawful enterprise. It is not permitted to individuals, nor can it be permitted to Nations, to excuse themselves for acting with those engaged in belligerent enterprises, by alleging that their own purposes are peaceful. Sir, I hold that if you go into counsel at all with such powers, you become answerable for all their acts. At this moment a case occurs to me that took place many years ago, in England, and which affords an apt illustration of this principle. Lord Dacres, a young nobleman of wild and irregular habits, associated himself with a party who were engaged in robbing a Park—one of that party, without the knowledge or consent of Lord Dacres, killed the Game Keeper. His Lordship was taken up, and tried for the murder; and though probably as innocent of the offence as either of us, he

was, according to the laws of England, found guilty. No rank or influence could save him—he perished on the gallows—a victim to the strict, though necessary, rule, which involves in a common fate, all who associate and act with others engaged in any unlawful pursuit.

But an attempt is made to remove all our apprehensions on this subject, (and it comes from a high quarter too,) by the *assurance* that Spain is just about to acknowledge the independence of her former Colonies, *under our mediation*. The Secretary of State, in his report which accompanies the President's Message of the 9th January, in answer to our call for information, transmits a mass of documents to show that our Government has invoked the aid of Russia—that the Emperor has interfered at our request, and that there is a flattering prospect of speedy and entire success. So says Mr. Middleton—so says Mr. Clay. But, Mr. President, it fortunately happens that the Senate, on the 30th January, made *another call* for information on this point, and the answer of the President, of the 1st February, dispels the illusion entirely. The three letters of Mr. Everett there disclosed, demonstrate that there is no hope, whatever, of a peace. The Minister of the Spanish Government, (Mr. Zea,) declares that the determination of the King, on that subject, is *unalterable*—he will stand upon his naked right, and look to Providence, should all other means fail. But this is not all. The Russian Minister concurs in the views of Mr. Zea, and the British Minister will not interfere. In short, it is proved by these documents that all hope of a peace is entirely at an end. The hopes raised by the message of the 9th January, are thus totally crushed by that of the 1st February. This no gentleman will *now* question.\*

It has been well remarked by the Committee, in their Report, that no nation (unless restrained by their weakness) ever permitted such an interference, as we are

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\* The important letters of the 15th and 27th July, 1825, from Mr. Middleton to Mr. Clay, and of 26th December, 1825, from Mr. Clay to Mr. Middleton, are *not communicated to the House of Representatives*. Mr. Everett's three very important letters are also *not communicated*—while some of his subsequent letters *were* communicated—which last the Senate did not receive until after their final decision on the question before them. The documents before the Senate, proved beyond a doubt, that there was no prospect of peace, and though this fact does not appear from the documents transmitted to the House of Representatives, yet it is not contradicted by them.

about to attempt, without redressing the wrong by war. And surely, sir, we are not to be called upon to violate our neutral obligations towards Spain—because Spain is weak. If a sense of justice, and a due regard to our own character and our interests, should not restrain us from a measure of that kind, perhaps we may be influenced by the consideration, that a violation of neutrality on our part, may lead to similar violations on the part of the powers of Europe, and that we may thus be the means of destroying those whom we mean to serve and hope to save.

But there is another question arising out of this, and almost of equal importance. What is to be the mode of the *organization* and *action* of this Congress? What is to be the nature of the *powers* to be given to our Ministers? And what are the subjects to be discussed? Surely all of these are questions of the most vital importance; and whether the character of the Congress be belligerent or peaceful, they must be satisfactorily answered before any man who has a due regard for the welfare of his country, should consent to take a single step in a business of this delicate nature. This was the view of the subject originally taken by the President himself, as appears from the documents on our tables. In Mr. Clay's letter to Mr. Obregon, dated 30th November, 1825, he says—"When at your instance, during the last Spring, I had the honor, &c. of conferring with you verbally, in regard to the proposed Congress, &c. I stated to you, by direction of the President, that it appeared to him to be *necessary*, before the assembling of such a Congress, to settle between the different powers to be represented, several preliminary points, such as the subjects to which the attention of the Congress should be directed, the substance and form of the powers to be given to the respective REPRESENTATIVES, and the mode of organizing the Congress, and that, if these points should be satisfactorily arranged, the President would be disposed to accept, in behalf of the United States, the invitation with which which you were provisionally charged." The ground here assumed by the Administration has my most unqualified approbation. I yield my hearty assent to the position, that information on all these points was necessary—yes, absolutely and indispensably necessary—before we could prudently take a single step in the business. But, sir, this ground has been altogether abandoned, and for reasons with which we have not been favored. The President has determined *at once* to send

Commissioners to the Congress at Panama—without having obtained any information whatever on three of the points before deemed necessary, and on the other having received only partial, imperfect, and contradictory statements. As to “the substance” and “the form” of the *powers* to be given to the “Representatives,” and the mode of the “organization of the Congress”—we are without a particle of information—and in respect to “the *subjects* to be discussed,” a few of them are specified, (and *important enough they certainly are*) while, as to the rest, we are left to search for them in the regions of conjecture. If the President was right in the first instance, he must be wrong now. To my mind, it is clear that he then took the true Constitutional ground—and having abandoned it without any reason, I cannot consent to go with him. Gentlemen whose faith in Executive infallibility is greater than mine, may be satisfied that the President must always be right; but, for my own part, I require either facts or argument before I can yield my assent to any measure whatsoever, and especially to such as are novel in their character and important in their consequences. I stand here to advise the President, independently, and according to my convictions of the policy or impolicy of the measures he may recommend, and I cannot conscientiously advise this mission, until full and satisfactory information is obtained on these points, which the Executive formerly deemed necessary, and which I still so consider.

It is true, Mr. President, that, although we have not been furnished with this necessary information, yet, in relation to the organization and action of the Congress, we are enabled to glean a few facts from the correspondence before us, which shed some light upon the subject, and exhibit the Congress in no very favorable point of view.

It is to be a CONGRESS a deliberative Assembly, composed of DEPUTIES, with undefined powers; it is called in the conventions—“a great Council;” and though the members in some places are called “Plenipotentiaries,” yet, in others, they receive different appellations; and Mr. Clay himself, in one place, considers them as “REPRESENTATIVES,” and elsewhere describes them as “Commissioners.” They cannot be “Ambassadors:” for they are not to go accredited to any sovereign State. They will not be ministers to Colombia, within whose territory the Congress is to be convened; they must present their *credentials* to the Congress itself, by whom their validity must be decided on, and the members admitted to their seats. It is only by the special



provisions of the "Conventions" that the deputies could claim the privileges and immunities of Ambassadors, and as no such stipulations have been made in our favor, it follows, that our deputies will be indebted even for protection to the Congress of which they are to be members. In what form the deliberations are to be conducted, we know not, but we are expressly told that their deliberations may be "confidential;" and I infer from a provision which authorizes a change in the place of meeting "with the consent of a majority of the States," that they will vote *by States*, and that a majority will govern. Mr. Salazar tells us expressly that "we may form an EVENTUAL ALLIANCE for certain purposes to remain secret"—and adds, "that the conferences held on this subject, being *confidential*, would increase mutual friendship and promote the respective interests of the parties."

The Powers which the ministers are to bear, are, both in respect to form and substance, altogether undefined; but we are told by Mr. Obregon that the ministers of Mexico will carry with them "*full powers*"—and it is expected "that the ministers of other States will do the same." A few of the subjects to be discussed are stated; but, with respect to the others, we are told by Mr. Salazar, that those "specified, being given *by way of example*, it is left to the wisdom of the Governments and the judgment of the Representatives, to propose whatever may be for the common good." And again he says, that "the points will arise out of the deliberations." Judging, therefore, from the information afforded us, it appears that our ministers are to go as "Representatives," accredited not to sovereign States, but to "a Congress" of Deputies—that they are to have seats in "a great council"—that they are to bear "full powers"—that the subjects\* to be discussed are "to grow out of the deliberations," and are to be "suggested by the

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\* The President, in his Message to the House of Representatives, says, "I can scarcely deem it otherwise than superfluous to observe, that the Assembly will be in its nature diplomatic, and not legislative," and then goes on to explain the mode of its organization and action. *No such information was before the Senate.* The documents before them proved that the President had insisted on obtaining information on those very points as preliminary to his acceptance, and had failed to obtain it. Certainly the Senate had no such information—and the documents before them, went to show that the Congress was legislative and not diplomatic.

judgments of the Representatives;" that the deliberations are to be, in some instances, secret and "confidential"—and that "eventual alliances to remain secret," are in contemplation; but beyond this, we are left entirely in the dark. The question then recurs, shall we consent to go into secret council, (supposing all the objects of that council, as far as we are acquainted with them, to be *peaceful*,) while these important points remain unsettled. If we are kept in ignorance, the fault is not in the Senate. We have diligently sought for light, and it has been denied us. Sir, it is too manifest to be doubted or questioned, that the course we are now called upon to pursue, does involve a departure from the settled, the fundamental policy of these U. States; and is an entire abandonment of the neutral position taken by our Government in the contest between Spain and her colonies—a position from which we have derived much honor, and which has been fruitful of such happy consequences to the South American States.

But we are told that we ought to have confidence in the President. We are assured that his *instructions* to our ministers will save us from all danger. Sir, I care not what instructions the President shall think proper to give to our ministers. The character of the Congress being belligerent, our neutrality is forfeited by the very act of joining in their deliberations. Instructions being from their nature, as well as from diplomatic usage, secret, can have no influence in determining a question of neutrality—that must be decided by acts, not by professions. However gentlemen may be enamoured of this new doctrine of implicit confidence in rulers, it is not the ground, I apprehend, which the Senate ought to no act in fulfilling their constitutional duty of giving advice to the President. If we are to act by faith, and not by knowledge, we have no business to be here. Besides, sir, I am free to confess, and will presently shew, that some of the views of the Administration itself, in respect to this mission, and the part we are expected to take in the deliberations of the Congress, are dangerous to the peace and safety of this country. But, after all, is it sound constitutional doctrine that we are, by our *previous sanction* to the President's measures—(by the vote of a bare majority, and not of two-thirds, as required by the Constitution,) to put it in *his power* to commit irretrievably the neutrality of the United States. Sanction this mission, and the peace of this country is, in the most favorable view of the subject, in the hands of the President. Suppose his instructions, on the very points which he

tells you are to be discussed, should direct our ministers to join in all the belligerent counsels of the Congress, to advise and arrange with them the plan of carrying on the war, and wresting Cuba and Porto Rico from the hands of the common enemy—where will be your neutrality then? It is idle to talk of the control that we may exercise, by rejecting treaties, which, by our own previous consent, we may be morally bound to sanction, or when measures shall have been taken and acts consummated beyond recall. But the apprehensions of some gentlemen are quieted by the assurance that the ministers of the States which have invited us have themselves expressly declared that we are not “expected to violate our neutrality.” Words, sir; words, merely! This assurance furnishes us with a memorable example of how little reliance is to be placed on professions—the professions, too, of diplomatists! They very well understand how to say one thing while they mean another. Every one of these Spanish American ministers—Obregon, Salazar, and Canas—*profess* that we are not expected to depart from our neutrality, while each of them *specifies objects* in which we are expected to take part, and which *do* involve a distinct and unequivocal departure from our neutrality. For the sake of example, (for all the invitations speak the same language) I will refer to the letter of Mr. Canas to Mr. Clay, dated 14th November, 1825. After stating that the Government he represents (Central America) “was sensible of “the importance to the independent nations of *this continent*, of a general congress of their representatives, “at some central point, which might consider and “adopt the best plan of defending the States of the “New World from foreign aggression,” and stating that his Government also acknowledged “that, as *Europe* “had formed a *continental system*, and held a Congress “whenever questions affecting its interests were to be “discussed, *AMERICA* should *form a system to itself*, and “assemble in Cortes whenever circumstances of necessity and great importance should demand it,” he goes on to state, that his Government had “formed a convention” on the subject, and appointed “*its deputies*,” and he then says to us, “I am anxious, therefore, “to know if this Republic, (the United States) which “has ever shown itself the generous friend of the new “American States, is disposed to *send its envoys* to the “General Congress, *the object of which is*, to preserve “and confirm the absolute independence of these Republics, “and to promote the general good, and which will not re-

“quire that the representatives of the United States “should, in the least, *compromit their present neutrality*, “harmony, and good intelligence with other nations.” Mr. Clay accepts the invitation thus given, without any limitation whatever. Can any man read this letter, and pretend that we can comply with the wishes of the writer and save our neutrality?

Having, I trust, proved that, from the character of the Congress of Panama, we cannot send deputies there without departing from our neutrality, and that, if this point could be considered as doubtful, still the ignorance in which we are left of the mode of the organization of the Congress, its manner of proceeding, and the form and substance of the powers of the representatives, should constitute a decisive inducement to abstain from involving ourselves in such a measure, I proceed next to consider THE SUBJECTS TO BE DISCUSSED by that Congress, and in which it is avowed that we are expected to take a part.

And here, Mr. President, I will insist, that, if this mission were liable to none of these objections, there is not a single object specified in the invitations and answers, or in the message of the President, which would justify the measure proposed. They are all either dangerous, or inexpedient, or unnecessary, and this I will attempt to prove, by a brief examination of each of them.

The first great subject to which our attention at this Congress is to be called, arises out of the pledge\* which Mr. Monroe is supposed to have given, “not to permit any foreign Power to interfere in the war between Spain and her colonies,” and it appears, from the correspondence, to be the special object of the new States to get us to enter into treaties to redeem that pledge, according to the construction they have chosen to put upon it, and in which, I am sorry to add, the Executive seems to have acquiesced. Mr. Obregon tells us that the United States are only expected to take part

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\*In relation to the SUPPOSED PLEDGE made by the United States to prevent colonization in America, and also to prevent the interference of any European nation in the present contest, there are two important documents before the House of Representatives which were not before the Senate, viz: 1. The letter from Mr. Adams to Mr. Anderson, dated 27th May, 1823, in which the policy of this Government is fully explained on that subject. 2. The message of the President to the House of Representatives, in which he goes into an explanation of his present views.

in those matters which the "late administration pointed out as being of general interest, for which reason," says he, "one of the subjects which will occupy the attention of the Congress will be the resistance or opposition to the interference of any neutral nation in the question and war of independence between the new Powers of the continent and Spain;" and "that, as the POWERS OF AMERICA ARE OF ACCORD as to resistance, it behoves them to discuss the means of giving to that resistance all possible force, that the evil may be met, if it cannot be avoided; and the only means of accomplishing this object is by a previous concert as to the mode in which each of them shall lend its co-operation: for, otherwise, resistance would operate partially, and in a manner much less certain and effective.

"The opposition to *Colonization in America*, by the European Powers, will be another of the questions which may be discussed, and which is in like predicament with the foregoing."

Mr. Salazar holds language on this subject still more explicit.

Now I do positively deny that Mr. Monroe ever pledged this nation to go to war or make treaties to prevent the interference of any European nation in the present contest. I deny that he had a right to make any such pledge; and most of all, do I deny that any sanction has been given to such an idea by the Senate, the House of Representatives—by the States, or by the People of the United States. The language of Mr. Monroe is extremely vague and indefinite. That great and good man well knew that he had no power to use any but a moral force on that question; and beyond this moral influence over the councils of the nations of Europe, he neither attempted nor desired to go. He well knew—every intelligent man in the United States knows—that this nation is not now, and never has been, prepared to go to war for the Independence of South America. The new States have always carried with them our warmest wishes for their success—but beyond the indulgence of a sincere and friendly sympathy, we have never been willing to proceed. Mr. Monroe's declaration, I repeat, was intended to produce a moral effect abroad; he designed it for the atmosphere of Europe, and therefore it was couched in such terms that, while it did not commit us to any overt acts, it left foreign nations under a vague impression of what we might do, if the event alluded to should ever happen. The substance of Mr. Monroe's statement was, "that he should consider any

attempt on their part (the powers of Europe) to extend their system to any portion of this hemisphere, as dangerous to our peace and safety," and as "the manifestation of an unfriendly disposition towards the United States." It is obvious that we are left by this pledge altogether free to act in any emergency according to circumstances and a sense of our own interests. We have incurred no obligations to others by the declaration; and it is our policy to incur none. But it now appears that the new States have conceived themselves *entitled to our aid* whenever foreign interference shall be threatened, and (what is truly unfortunate) it further appears that the new Administration have acknowledged their claims, and admitted our obligations; they have acted, and are now about to act, on the presumption that the Spanish American States may rightfully claim, and that we are bound to grant, our assistance against all nations who may "hereafter interfere in any way whatever in the question and war of Independence." Nay, so far have our Government gone in this respect, that they have actually claimed commercial privileges from these States on the ground that we are to be considered as "one of the American Nations," and "within the pale of the great AMERICAN SYSTEM;" that we are "prepared to bear the brunt of the contest which will arise should any foreign Power attempt to interfere." To shew how far our Government have proceeded in this course, I must be permitted to read a few passages from the documents before us. In the letter of our Minister to Mexico to the Secretary of State, dated 28th September, 1825, after giving an account of the difficulties which had arisen in making a treaty with Mexico, in consequence of the desire of that Government to introduce an article putting it in their power to grant special commercial privileges to the other Spanish American States, he informs us that he insisted that we should be entitled to similar privileges, because "we were bound to them by similar fraternal ties." To some objections urged against our claims on the ground that we had not yet taken part in the war, our Minister replied in the following words, viz. "To these observations I replied, that, against the power of Spain they had given sufficient proof that they required no assistance, and the United States had pledged themselves not to permit any other Power to interfere either with their Independence or form of Government, and that, as in the event of such an attempt being made by the Powers of Europe, we would be

single wise and safe rule, either for the States in which it exists, or for the Union. It must be considered and treated entirely as a DOMESTIC QUESTION. With respect to foreign Nations, the language of the United States ought to be, that it concerns the peace of our own political family, and therefore we cannot permit it to be touched; and in respect to the slave-holding States, the only safe and constitutional ground on which they can stand, is, that they will not permit it to be brought into question either by their sister States, or by the Federal Government. It is a matter, Mr. President, for ourselves. To touch it at all, is to violate our most sacred rights—to put in jeopardy our dearest interests—the peace of our country—the safety of our families, our altars, and our firesides. Sir! on the question of our slave institutions, so often incidentally mentioned, I will take *this opportunity*, once for all, to declare, in a few words, my own feelings and opinions. It is a subject to which I always advert with extreme reluctance, and never, except when it is forced upon me. On the present occasion the subject has been forced upon our consideration, and when called upon to give my sanction to the discussion by our Ministers, (in connection with a foreign Congress,) of questions so intimately connected with the welfare of those whom I represent, I cannot consent to be silent. On the slave question, my opinion is this: I consider our rights in that species of property as not even open to discussion, either here or elsewhere; and in respect to our duties, (imposed by our situation,) we are not to be taught them by fanatics, religious or political. To call into question our rights, is grossly to violate them—to attempt to instruct us on this subject, is to insult us—to dare to assail our institutions is wantonly to invade our peace. Let me solemnly declare, once for all, that the Southern States never will permit, and never can permit, any interference, whatever, in their domestic concerns, and that the very day on which the unhallowed attempt shall be made by the authorities of the Federal Government, we will consider ourselves as driven from the Union. Let the consequences be what they may, they never can be worse than such as must inevitably result from suffering a rash and ignorant interference with our domestic peace and tranquillity. But while I make these declarations, I must be permitted to add, that I apprehend no such violation of our constitutional rights. I believe that this House is not disposed, and that the great body of our intelligent and patriotic fellow citizens in the other States have no inclina-

tion, whatever, to interfere with us. There are *parties*, indeed, composed, some of them of fanatics, and others of political aspirants, who are attempting, vainly I hope, to turn the current of popular opinion against us. These men have done us much harm already, and seem still fatally bent upon mischief. But if we are true to ourselves we will have nothing to fear. Now, sir, if it is the policy of the States not to suffer this great question to be touched by the Federal Government, surely it must be the policy of this Government, exercising a paternal care over every member of the political family, not to suffer foreign Nations to interfere with it. It is their imperative duty to shun discussion with them—and to avoid all treaty stipulations, whatever, on any point connected directly, or remotely, with this great question. It is a subject of too delicate a nature—too vitally interesting to us, to be discussed abroad. On this subject we committed an error when we entered into treaties with Great Britain and Colombia for the suppression of the *slave trade*. That error has been happily corrected. The first treaty has failed, and the second was nearly unanimously rejected by this body. Our policy then is now firmly fixed—our course is marked out. With nothing connected with slavery can we consent to treat with other Nations, and least of all ought we to touch the question of the independence of Hayti in conjunction with Revolutionary Governments, whose own history affords an example scarcely less fatal to our repose. Those Governments have proclaimed the principles of “liberty and equality,” and have marched to victory under the banner of “universal emancipation.” You find men of color at the head of their Armies, in their Legislative Halls, and in their Executive Departments. They are looking to Hayti, even now, with feelings of the strongest confraternity, and show by the very documents before us, that they acknowledge her to be independent, at the very moment when it is manifest to all the World beside, that she has resumed her Colonial subjection to France. Sir, it is altogether hopeless that we could, if we would, prevent the acknowledgment of Haytien independence by the Spanish American States, and I am constrained to add that I must doubt, from the instruments to be employed by our Government, whether they mean to attempt to do so. We are to send, it seems, an honest and respectable man, but a distinguished advocate of the *Missouri restriction*—an acknowledged abolitionist—to plead the cause of the South, at the Congress of Panama. Our policy, with regard to Hayti,



is plain. We never can acknowledge her independence. Other States will do as they please—but let us take the high ground, that these questions belong to a class, which the peace and safety of a large portion of our Union forbids us even to discuss. Let our Government direct all our Ministers in South America and Mexico, to *protest* against the Independence of Hayti.\* But let us not go into counsel on the slave trade and Hayti. These are subjects not to be discussed any where. There is not a Nation on the Globe with whom I would consult on that subject, and least of all, the new Republics.

I proceed next to consider the great object (which seems to lie so near to the hearts of some of our statesmen,) of building up what they are pleased to call “AN AMERICAN SYSTEM”—terms which, when applied to our domestic policy, mean *restriction* and *monopoly*, and when applied to our foreign policy, mean “entangling alliances”—both of them the fruit of that purring spirit which will not suffer the nation to advance gradually in the development of its great resources, and the fulfilment of its high destinies, but would accelerate its march by the most unnatural and destructive stimulants. “As Europe, (says Mr. Canas,) has formed a *continental system*, America should form a *system for herself*.” “The mere assembling, (says Mr. Salazar,) of the Congress, by shewing the ease with which America can combine, will increase our political importance.” In plain terms, Mr. President, we are called upon to form a **HOLY ALLIANCE** *on this side of the water*, as a counterpoise to the Holy Alliance on the other side of it. Are the People of this country prepared for that? What is there in the history or character of the Holy Alliance that makes it a fit subject for our imitation? This combination of nations at peace, to maintain certain principles and institutions, contains the most atrocious violation of the natural and social rights of man that the world has ever seen. It is wrong—most fatally wrong—and it makes no difference, in reason or justice, what the principles to be maintained are. It is of the essence of National Independence, that every country should be left free to adopt, and to change its principles and its

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\* The President, in his message to the Senate, mentions neither the **SLAVE TRADE** nor *Hayti*, but they are mentioned in the documents, which accompany that message, as questions which were to form subjects of deliberation at the Congress of *Panama*. This was all the light the Senate possessed on the subject. In the message to the House, the matter is presented in a light somewhat different.

policy according to its own views of its own interests, and from the very bottom of my soul, I abhor the idea of combinations among sovereign States, for any purpose whatever. Great Britain, the only nation in Europe that possesses the shadow of freedom, has refused to join the Holy Alliance. I hope we shall follow her example in having nothing to do with this "great American confederacy." Mr. Canning declared that such an alliance was unconstitutional—and surely, if it was so in Great Britain, it must be so *here*.

I come now, Mr. President, to the last subject specified by the South American Ministers, in which we are expected to take a part, and which is strongly relied upon here as constituting in itself a decisive inducement for our sending Ministers to the Congress of Panama—I mean the fate of CUBA. Now, sir, I have on this point the authority of the President himself, that neither he nor his Cabinet considered this question as furnishing any reason in favor of this mission. If the President or his Cabinet had supposed it material, he would have stated it to us as one of the reasons which rendered the mission desirable. But neither in his message, nor in the documents which accompanied it, did he say one word about Cuba; and all our information on the subject has been extracted by the call for information made by the Senate on 3d January last. And yet no man can deny that this *is* one of the most interesting and important topics connected with the subject. But, sir, the fact is, that the Executive is unfortunately so committed, in relation to Cuba, as to leave themselves bound hand and foot, deprived of the power of taking a single step that could be productive of any beneficial results; and therefore, no doubt it was, that the President did not deem it important to mention the subject to us at all. On examining the documents now before us, it will appear, that while our Government has taken the bold ground in relation to Russia, France, and Great Britain, that they "*they will not permit any nation except Spain, to take Cuba, under any circumstances whatever,*" they have, in relation to the South American States, declared expressly that we *cannot interfere*. Though the interests of the United States would be much more deeply affected by the possession of Cuba, by any of the new States than by France, or even by Russia, yet, while in relation to the latter, we throw ourselves fearlessly into the breach, and have declared—"we will not permit them to act"—with respect to the former, "we can see no ground on which we can forcibly inter-

fere." Mr. Clay, in his letter to Mr. Middleton, 26th  
 December, 1825. says—" On this subject it is proper we  
 " should be perfectly understood by Russia. For our-  
 " selves, we desire no change in the possession of Cuba,  
 " as has been heretofore stated. *We cannot allow a*  
 " *transfer of the Island to any European Power.* But if  
 " Spain should refuse to conclude a peace, and obsti-  
 " nately resolve on continuing the war, although we do  
 " not desire that *either Colombia or Mexico should acquire*  
 " *the Island of Cuba, the President cannot see any justifi-*  
 " *able ground on which we can forcible interfere.* Upon  
 " the hypothesis of an unnecessary protraction of the  
 " war, imputable to Spain, it is evident that Cuba will  
 " be her only point d'appui, in this hemisphere. How  
 " CAN WE INTERPOSE on that supposition, against the par-  
 " ty clearly having right on his side, in order to restrain  
 " OR DEFEAT A LAWFUL OPERATION OF WAR? If the war  
 " against the Islands should be conducted by those Re-  
 " publicans in a desolating manner; if, contrary to all  
 " expectation, they should put arms into the hands of  
 " one race of the inhabitants to destroy the lives of ano-  
 " ther; if, in short, they should countenance and en-  
 " courage excesses and examples, the contagion of  
 " which, from our neighborhood, would be dangerous  
 " to our quiet and safety; the Government of the United  
 " States *might* feel itself called upon to interpose its  
 " power. But it is not apprehended that any of those  
 " contingencies will arise, and, consequently, it is most  
 " probable that the United States, should the war con-  
 " tinue, will remain hereafter, as they have been hereto-  
 " fore, neutral observers of the progress of its events.

" You will be pleased to communicate the contents of  
 " this despatch to the Russian Government. And as,  
 " from the very nature of the object which has induced  
 " the President to recommend to the Governments of  
 " Colombia and Mexico *a suspension* of their expeditions  
 " against the Spanish Islands, *no definite time* could be  
 " suggested for the duration of that suspension, if it should  
 " be acceded to, it must be allowed, on all hands, that  
 " it ought not to be *unnecessarily protracted.*"\*

\* In relation to *Cuba and Porto Rico*, the President's mes-  
 sage to the Senate, and the documents which accompanied it  
 did not mention them at all. In answer to the call for infor-  
 mation, made by the Senate on 3d January, the President com-  
 municated a number of documents, some of which touched  
 this subject. Among them, a letter from Mr. Clay to Mr.  
 Middleton, dated 26th December, 1825, and which has not  
 been communicated to the House of Representatives. That let-

In accordance with these views, Mr. Clay writes to Mr. Salazar, 20th December, 1825—"The President believes that a *suspension for a limited time* of the sailing of the expedition which is understood to be fitting out at Carthagena, or of any other expedition which may be contemplated against either of those Islands, (Cuba and Porto Rico) by Colombia or Mexico, would have a salutary influence on the great work of peace." And again—"he expresses the hope that the Republic of Colombia will see the expediency in the actual posture of affairs of forbearing to attack those Islands, until a sufficient time has elapsed, to ascertain the result of the pacific efforts which the great powers are believed to be now making on Spain." Well, that time has elapsed—the result is ascertained. The mediation has failed—and the Executive stands fatally pledged—not to "interpose" to defeat "a lawful operation of war" on the part of those "who have right on their side," unless indeed the "manner" of conducting that operation, should induce us to change our position, and this, says the Secretary, "is not apprehended."

Thus, then, it manifestly appears that our faith is plighted, and that we have acknowledged the high obligations of duty not to interfere, unless, indeed, the slaves should be excited to murder their masters, and then, says Mr. Clay, perhaps we *might*; and, as to the invasion, all we have felt ourselves authorized to ask is, a small delay in the sailing of the expedition, only until the effect of our interposition with Russia shall be ascertained—of the total failure of which we are now officially informed. I repeat therefore, our Executive has forever closed the lips of their Ministers on this subject, and there is no pretence for supposing that we can now interfere to prevent the invasion of Cuba and Porto Rico.

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ter, among other important matters, contains the very remarkable passage above quoted, shewing that our Government had taken the ground that *we could not interfere* to prevent the invasion of these Islands by the Spanish American States, while on the other hand we had determined "not to permit any European Nation, except Spain, to take them under any circumstances whatever."

This passage, connected with the two others above quoted, from Mr. Clay's letter to Mr. Salazar, dated 20th December, 1825, was the foundation of the argument in the Senate, on this point.

The President, in his message to the House, however, *intimates* that our efforts at the Congress may be directed to prevent the invasion of Cuba by the Spanish American States.

Nothing remains for us now, if, indeed, any thing can be done, but for *Congress* to interpose their authority in preventing the Executive from carrying *their views* into effect, and that interposition will not take place by confirming this mission. The true Constitutional ground is, that the President has no right to pledge this nation, either as to our not permitting any foreign European nation to take Cuba, or as to there being no ground to interfere to prevent its capture by the new Republics. I would change our position, at least so far as to declare, that the South American States should not be permitted to take it, or to revolutionize it. But, as the question now presents itself as connected with this mission, we can accomplish no good, and may involve ourselves in difficulties, by counselling with those who are merely to settle the *mode* of co-operation in the invasion of Cuba and Porto Rico—a measure already decided on, and against which our Government have bound themselves not to interfere. It is in vain to say that the Executive has only disclaimed forcible interference. No other could be effectual. For a nation to disclaim the *ultima ratio*, is to surrender the point in dispute. There is no such disclaimer as to Europe. There, “we will not permit;” here, “we cannot forcibly interfere.” But we have gone further. We have stated expressly to the new States, that we only ask *delay*, and nothing but delay; and that to “a day certain,” and now past.

As to the other objects of this Congress, specified in the invitations, there is one answer to them all—they belong to *ordinary diplomacy*, and will be better and more speedily accomplished by our ministers to these new States, than by going into a Congress of their deputies, whose attention must be chiefly engrossed by belligerent operations and local objects.

It only remains for me to notice the additional subjects specified by the President. He considers this mission necessary to prevent the new States from granting *special favors to Spain* and to *each other*. The treaties now submitted to us show, that these States have determined not to grant any privileges to Spain; and with respect to each other, we have already formed treaties with some of them in terms of the most perfect reciprocity, and, with the only State with which we have had the least difficulty (Mexico) our latest accounts leave no doubt of their being speedily removed.

The President next tells us that it is important to establish the principles and *restrictions of reason on the extent of blockade*—but surely, sir, these and similar ob-

jects are to be attained by treaties negotiated in the ordinary way. They require no such extraordinary and questionable proceeding as a mission to this Congress.

We are next informed by the President that it will be one of our objects to inculcate on the new States the *principles of religious liberty*,\* and some hints are thrown out of an indirect influence that may be exerted over their councils. If, Mr. President, it is against the spirit of our Constitution to interfere in any way with the re-

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\* On the subject of RELIGION, the President was understood, in the Senate, to recommend an attempt to alter the Constitution of the new States on that point, but in his message to the House of Representatives, he limits the object to the obtaining for our citizens the right of worshipping according to their own consciences—a right which is secured to them in all the treaties already made with those States, and which it is presumed can, in the ordinary course of negotiations, be obtained from all of them. The following are the passages in the messages of the President to the two Houses on this subject.

To the Senate the President said :

“ There is yet another subject upon which, *without entering into any treaty*, the moral influence of the United States may, perhaps, be exerted with beneficial consequences at such a meeting—*the advancement of religious liberty*. Some of the Southern nations are, even yet, so far under the dominion of prejudice, that they have *incorporated*, with their political *constitutions*, an exclusive church, without toleration of any other than the dominant sect. *The abandonment of this last badge of religious bigotry and oppression may be pressed more effectually by the united exertions of those who concur in the principles of freedom of conscience, upon those who are yet to be convinced of their justice and wisdom, than by the solitary efforts of a minister to any one of the separate Governments.*”

To the House of Representatives, he says :

“ And lastly, the Congress of Panama is believed to present a fair occasion for urging upon all the new nations of the South, the just and liberal principles of religious liberty. Not by any interference, whatever, in their internal concerns, but by *claiming for our citizens, whose occupations or interests may call them to occasional residence in their territories, the inestimable privilege of worshipping their Creator according to the dictates of their own consciences*. This privilege, sanctioned by the customary law of nations, and secured by treaty stipulations in numerous national compacts; secured even to our own citizens in the treaties with Colombia, and with the Federation of Central America, is yet to be obtained in the other South American States and Mexico. Existing prejudices are still struggling against it, which may perhaps be more successfully combated at this general meeting, than at the separate Seats of Government of each Republic.”

igion of our own People, I should conclude it must be altogether foreign to our policy to interfere with the religion of other nations. We both believe ourselves to be right, and I know of no power but that of the Almighty which can decide between us. Besides, sir, is it not obvious that any attempt to acquire influence over the councils, or to regulate the religious policy of the new States, must have a tendency to interrupt the friendly relations now existing between us, in the cultivation of which the President assures us, he found the last and decisive inducement for accepting the invitation. Nothing, to my mind, can be clearer, than that this mission must either terminate in an idle ceremony, or our ministers will deeply wound the sensibilities of the new States; unless, indeed, they shall be authorized to enter into stipulations inconsistent with our neutrality and fatal to our interests. Look at the questions to be submitted to their consideration. On every one of them our deputies must refuse to act, or, by acting, commit the country.

I have given to this subject, Mr. President, the most dispassionate consideration, and I am free to confess, that, whether I consider the measure itself, the form of the invitation, or the course which has been pursued in relation to it, my mind is filled with the most unqualified astonishment. That the President should have committed himself—committed us, and committed the nation; and that the question should have been brought before us, under the circumstances to which I shall now briefly advert, will form, it appears to me, a curious page in the history of this country, which will, hereafter, be referred to with peculiar interest.

The first, and only intimation, it appears from the statement of the Secretary of State, made to our Government on the subject of this mission, was verbally made some time "during the last spring." It is true that the Minister of Colombia speaks of "some verbal conferences," and the Minister of Mexico mentions "conversations;" but Mr. Clay assures us there was but one such conference. A verbal answer was given by the President, in which he intimates a disposition to accept the invitation, provided the *subjects to be discussed*—the *powers* of the *Ministers*, and "the mode of the organization and action of the Congress," shall be previously adjusted.

On the 2d and 3d of November following, the answers were received to this demand, and, although they did not contain any compliance with the President's reasonable wishes, he held the subject under advisement

until the 30th of November, (*six days only before the meeting of Congress*) when he notified the Ministers of Mexico and Colombia that he had determined *at once* to accept of the invitation. The Minister of Guatemala gave no invitation before the 14th of November, and the answer to him bears date the 30th of the same month, and accepts without any qualification. Thus far several material circumstances suggest themselves to our consideration: the first is, that the invitation should have been given originally by *but two* of the Republics to be represented at the Congress, and that to this day we have not heard a word from three of these powers. The next is, that all the other powers to be represented, had formed solemn conventions among themselves, under which the Congress is to be convened, and that no such stipulation has been made with us. But the most important circumstance of all is, the determination of the President to commit himself to the acceptance of this invitation, six days only before the meeting of Congress. I will not believe, Sir, that the President could have desired to influence the decision of the Senate by such a proceeding. Yet we do know, that the idea of the embarrassment to which he will be subjected, should the Senate refuse to ratify his proceedings, constitutes the leading reason with many gentlemen here, and the only efficient one with several, for confirming the nominations. Six days after giving his answer to the South American ministers Congress met, and the President in his opening message stated, "that the invitation had been accepted and ministers *will* be commissioned."—The claim thus set up to send these ministers by his own authority, is the only plausible reason that can be given for its premature acceptance; and I am compelled to conclude, that at this time the President did not intend to ask the consent of the Senate except to the appropriation. From the 6th to the 26th of December, though the measure had been resolved on, we heard no more upon the subject, and yet we have since been told that the Congress was actually in session on the 3d of Nov. last,\*

\* In Mr. Obregon's letter to Mr. Clay, of 3d November, 1825, he states "that the Congress is to be assembled at Panama, at which City the Representatives from Colombia, Peru, Guatemala, and Mexico, will have already arrived at the date of this"—3d November. The President, however, did not make his nominations till 26th December, near two months after. The Conventions show that the Congress is, from its nature, as well as its duties, permanent. It is to serve as the great counsel during the war, and an interpreter of treaties, &c.



and our delays have been complained of, how justly we shall presently see. During this interval, the right of the President to commission ministers of his own free will, and without consulting the Senate, was boldly and publicly asserted, and the ingenious writers in the public journals (under whose high displeasure we have fallen) contended "that the Senate would take new ground, if they undertook to question it."

Though there is not a line or a principle in any part of the Constitution which authorizes the President, either expressly or by implication, to appoint foreign Ministers, without the advice and consent of the Senate, and though the distinction between the *accredited agents* of the Government bearing *commissions*, and the mere private and personal agents of the President, is too obvious to escape the most superficial observation, yet the argument urged, was, that, as Mr. Monroe had appointed private agents to visit South America, Mr. Adams had a right to commission Ministers to attend a Congress. At length, however, on the 26th of December, the President sent us his Message, asking for our advice and consent; he accompanied it by a clear and unequivocal assertion of *his right* to act without our consent. His words are—"Although this measure was deemed to be within the constitutional competency of the Executive, I have not thought proper to take any step in it before ascertaining that my opinion of its expediency will concur with that of both branches of the Legislature: first, by the decision of the Senate upon the nominations to be laid before them; and, secondly, by the sanction of both Houses to the appropriations."

Now, as it was the intention of the President to obtain the opinion of both Houses on "the expediency of the mission," his requiring this of the Senate by a vote on *the nominations*, and of the House of Representatives by a subsequent vote on the *appropriation*, was a measure singularly unfortunate for obtaining an unbiassed opinion on those subjects. The form in which the question was submitted, hardly presented an alternative to either House. The vote on *the nominations* does not necessarily involve the expediency of the mission. Suppose we should reject these gentlemen—may not the Executive construe it into an objection personal to the individuals, and send us other names to-morrow? And should we confirm the nominations, do we not know that many members of the other House will then consider themselves bound by a constitutional duty to make

the appropriation? I feel that the course which has been pursued precludes the possibility of now obtaining an unbiassed expression of the opinion of either House, while, if the President, without accepting the invitation, had submitted the question of expediency to the two Houses of Congress by calling for an appropriation, such an opinion would have been secured. In his Message to the Senate of the 26th December, the President gave us nothing but the bare invitations and acceptance, with a few remarks of his own, and left us altogether in the dark on every other important particular.

This message having been referred to the Committee of Foreign Relations, that committee on the 3d January, presented a resolution calling on the President for *further information* on the subject.

On the 13th January, an answer was given to this call, covering the conventions between the Spanish American States, and an extensive and highly interesting correspondence, between Mr. Clay and Messrs. Salazar and Obregon, and our ministers at St. Petersburg, Paris, and Mexico. These documents, which cover 40 printed pages, shed so much light on the subject, that until we received them, the Senate may be truly said to have been groping in worse than Egyptian darkness. The belligerent character of the Congress was here so fully developed and clearly established, that, unless from the hope of peace, presented by the correspondence with Mr Middleton, I presume no question would have been then made that the acceptance of the invitation would give to Spain just cause of war. On this point, however, we were lulled into security by the fact disclosed in that correspondence, that our Government had invoked the mediation of Russia to bring about the recognition by Spain of the independence of her colonies, and the confident opinion expressed by Mr. Clay, that this mediation would be successful. It was obvious that if peace was about to take place, there would no longer be any force in the objection that the contemplated mission would violate our neutrality. Sir, did any member of this Senate believe, that at the very moment these cheering prospects of peace were held out to us, there existed in the Bureau of the Secretary of State, in Washington, conclusive evidence that these prospects were illusory—that at the very moment Mr. Clay was despatching to us the assurance that the mediation of Russia, would in all human probability be effectual with Spain, he had, in his own hands, the despatches of Mr. Everett, our minister at Madrid, which demonstrated

that there was no hope of such a result? Such, sir, was the fact, and it was disclosed to us under the call of the gentleman from New York, (Mr. VAN BUREN) who, considering it as somewhat strange that while we are speculating on the probability of a peace, we should not have communicated directly with the Spanish Government on the subject, resolved to ask for specific information. The call was made on the 30th of January, and on 1st of February, the correspondence of Mr. Everett being laid before us, all hopes of peace vanished, and the charm was instantly dissolved.

There was not a gentleman, I assert confidently, on this floor, who did not at once perceive and acknowledge, that all hope of the success of our mediation was entirely gone. Count Nesselrode had expressly stated to Mr. Middleton, that every thing would depend on the determination of the Spanish Government—so that it was obvious that all our hopes rested on their temper on this subject. Well, sir, Mr. Everett tells us that he made the Spanish Minister acquainted with our wishes and our mediation, and that, so far from his receiving an answer to justify hope, the reply shut it out forever. The Minister declares emphatically, that *the King never will, under any circumstances, acknowledge the Independence of his revolted colonies*; that he would stand upon his right; that if reduced to as low a state as Louis the 18th, during the height of Napoleon's power, like him he would wait until Providence in good season should restore him his own. He repeats, again and again, and in every form, the fixed determination of the King *never to surrender his rights* to the colonies, under any circumstance whatever. Nor is this all: Mr. Everett informs us further, that the Russian Minister acquiesced in the justice of these views, and that England, satisfied with the commercial advantages of her position, had ceased to interest herself in the question. Thus was all hope shut out at the very time we were flattered by *the second set of documents*, with the delusive expectation that peace was near at hand. Sir, let it be recollected, that it was at the moment when we had called for and not yet received these most important documents, that we were chided for *delay*, and that a movement was made in the other House, by the confidential friends of the Executive—that the administration presses opened their batteries on this body collectively and individually; that State Legislatures were roused into action; and no means of coercion left untried to bring the Senate to an instant decision of the question.

I thank my God, sir, that these efforts have signally failed, and that the Senate stood unmoved; and, though slander and misrepresentation have been busy with our names, it is now demonstrated that *the delay* which has occurred in the proceedings of this body has arisen chiefly from the necessity imposed upon us of making repeated calls for important information, which was not communicated to us in the first instance, and without which we should have been left in profound ignorance of the true character of the proposed mission. The next important step in our proceedings on this subject, was the resolution passed by the Senate on the 15th February, that the question "ought to be discussed with *open doors*," unless the publication of the documents would be "prejudicial to pending *negotiations*," and on this point information was respectfully requested of the Executive, the officer charged with all our negotiations. To this resolution, the President replied in the following message:

WASHINGTON, 16th FEB. 1826.

*To the Senate of the United States:*

In answer to the two resolutions of the Senate, of the 15th instant, marked (Executive,) and which I have received, I state, respectfully, that all the communications from me to the Senate, relating to the Congress at Panama, have been made, like all other communications, upon Executive business, in *confidence*, and most of them in compliance with a resolution of the Senate, requesting them confidentially. Believing that the *established usage* of free confidential communications between the Executive and the Senate, *ought*, for the public interest, *to be preserved unimpaired*, I deem it my indispensable duty to leave to the Senate itself the decision of a question *involving a departure*, hitherto, so far as I am informed, without example, *from that usage*, and upon *the motives* for which, not being informed of them, I do not feel myself competent to decide.

JOHN QUINCY ADAMS."

The plain and obvious import of this message, divested of the diplomatic garb in which it is invested, is, that we were bound by the *confidence* which had been imposed upon us by the Executive, (who kindly reminds us of what our usages *are*, what they *ought to be*—and that they ought not to be changed,) and while he leaves us free to act as we think proper, refuses to furnish us with the information on which alone we could act, and for which we had respectfully called. The message

closes with an allusion to our *motives* on which the President is restrained from commenting, because they were unknown. Sir, I was one of those who believed that we could not, with a due regard to our own rights and the public interests, proceed to act upon the subject at all until the information was furnished, which the Executive alone possessed: for which we had respectfully called, and which was necessary to enable us to decide on our own "rules of proceeding," a privilege expressly reserved to us by the Constitution. In this I have been overruled, and I must submit. I am, sir, further of opinion, that we ought never to proceed until an answer is given by the President to the call made in the other House by his friends, (and it is to be presumed with the knowledge and consent of the Executive,) *because*, should the President give to that House *publicly*, all the information we now possess, there would no longer be any reason for our proceeding with *closed doors*; and if he should give *more*, we ought to possess that additional information before we come to a decision, and if less, we may consider what it would then become our duty to do. In these views we have also been overruled, and are constrained to submit.

But, I beg pardon, sir; I am wandering from the question, and have trespassed too long on the patience of the Senate. The whole question may be resolved into this: are we prepared now to depart from the fundamental policy of this country, never to interfere in the concerns of other nations? Are we ready to embark our fate with that of the Spanish American Republics? To become parties to an "American Confederacy," against the "European Confederacy?" Sir, it will not, it cannot be denied, that the proposed measure is entirely out of the course of ordinary diplomatic relations; it has no precedent but in that "great Alliance," profanely called "Holy," and equally offensive to God and to Man.

We are about to violate the maxim of the Father of his Country, which enjoins upon us, as the most sacred of duties, "to cultivate peace and honest friendship with all nations, entangling alliances with none"—to equally violate the wise and prudent policy of the late President, of the benefits of which we have a glowing picture from the pen of the Secretary of State, in the documents now on your table. "The United States, says he, have not, indeed, taken up arms in support of the independence of the new States; but the neutrality which they have maintained has enabled them more efficaciously to serve the cause of independence than they could

"have done by taking part in the war. Had they be-  
 "come a belligerent, they would, probably, have drawn  
 "into the war, on the other side, parties whose force  
 "would have neutralized, if it had not overbalanced,  
 "their exertions. By maintaining neutral ground, they  
 "have entitled themselves to speak out, with effect, and  
 "they have constantly so spoken, to the Powers of Eu-  
 "rope. They disconcerted the designs of the Euro-  
 "pean alliance upon the new States, by the uncalculat-  
 "ing declarations which they made, in the face of the  
 "world. They were the first to hasten to acknowledge  
 "the independence of the United Mexican States, and,  
 "by their example, drew after them Great Britain."

Shall we abandon this high and honorable ground to  
 engage in a crusade, the end of which no human being  
 can foresee? Let it be remembered, that when, a short  
 time prior to the meeting of Congress, it was rumored  
 that this invitation had been given, and the determina-  
 tion of the President was as yet unknown, *not one press  
 in all America, not one enlightened man of any party*, as far  
 as I know, raised a voice in its favor. All, all, declared  
 that the invitation would, of course, be respectfully de-  
 clined. What, sir, has occurred since, to produce any  
 change in public opinion? Nothing absolutely nothing.  
 Sir, my opinions on this subject have undergone no  
 change, and, if this extraordinary mission must be sanc-  
 tioned, I will wash my hands of it.













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